

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

Case No. 3:23-cv-00540-MMD-CSD

**ORDER**

v.

ELY STATE PRISON, et al.,

Defendants

**I. DISCUSSION**

On November 6, 2023, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a document titled “ex parte motion for appointment of counsel and affidavit of negligence class action suit as civil complaint.” (ECF No. 1-1). Plaintiff did not file a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until January 5, 2024**, to submit a complaint to this Court.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
2 Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
4 See 28 U.S.C. § 1915(b).

5 The Court will grant Plaintiff an opportunity to file a complaint and a fully complete  
6 application to proceed *in forma pauperis* containing all three of the required documents,  
7 or in the alternative, pay the full \$402 filing fee for this action on or before **January 5,**  
8 **2024.**

## 9 **II. CONCLUSION**

10 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this  
11 Court on or before **January 5, 2024.**

12 It is further ordered that the Clerk of the Court will send to Plaintiff the approved  
13 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of  
14 the Court will also send Plaintiff a copy of his “ex parte motion for appointment of counsel  
15 and affidavit of negligence class action suit as civil complaint” (ECF No. 1-1).

16 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
17 application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
18 information and instructions for filing an *in forma pauperis* application.

19 It is further ordered that on or before **January 5, 2024**, Plaintiff will either pay the  
20 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
21 three required documents: (1) a completed application with the inmate’s two signatures  
22 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
23 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the  
24 previous six-month period.

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1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
3 to refile the case with the Court, under a new case number, when Plaintiff can file a  
4 complaint and a complete application to proceed *in forma pauperis* or pay the required  
5 filing fee.

6 DATED: November 8, 2023.

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8 UNITED STATES MAGISTRATE JUDGE